

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
AT CINCINNATI**

TEDDY NICHOLS,)	Case No. C-1-02-0045
)	
Plaintiff,)	Judge Beckwith
)	
v.)	
)	
INDIANA MICHIGAN POWER CO.)	
RIVER TRANSPORTATION DIVISION)	
and/or AMERICAN ELECTRIC FUEL)	
SUPPLY, RIVER TRANSPORTATION)	
DIVISION,)	
)	
Defendant.)	

DEFENDANTS' MOTION TO CONTINUE

COME NOW Defendants, Indiana Michigan Power Co. River Transportation Division and American Electric Fuel Supply, River Transportation Division, by and through counsel, and hereby move this Court for an Order amending the October 16, 2003 Notice setting the instant action for trial on April 26, 2004 at 1:00 p.m. Defendant respectfully requests the Court reschedule the trial date from April 26, 2004 to a date available to the Court and parties. Upon conferring with opposing counsel in accordance with S.D. Ohio Civ. R. 7.3(b), Plaintiff has no objection to the requested continuance. This Motion is based upon the attached memorandum.

Respectfully requested,

s/ Todd M. Powers

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MEMORANDUM

This Court issued a Notice on October 16, 2003 scheduling this case for trial for April 26, 2004. On August 1, 2003, Defendant's counsel received a Memorandum and Order from the United States District Court for the Southern District of Illinois, scheduling the case of Michael E. Scott v. Excell Marine Corporation, *et al.*, Civil Action No. 02-cv-1153-MJR, for trial on April 20, 2004. A copy of that Memorandum and Order is attached hereto as Exhibit "A." Further, Defendant has conferred with opposing counsel in accordance with S.D. Ohio Civ. R. 7.3(b) and Plaintiff has no objection to the requested continuance.

In light of the foregoing, Defendant respectfully requests the Court issue an Order continuing the trial date for the next date available to the Court and parties.

Respectfully requested,

s/ Todd M. Powers

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CERTIFICATE OF SERVICE

____I hereby certify that a true and accurate copy of the foregoing was served upon the following by electronic filing and/or U.S. mail this 2nd day of March, 2004:

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s/ Todd M. Powers

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